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December 16

Frederick M. Clarke,  
Commissioner of Motor Vehicles  
State House Annex

Dear Sir:

You have asked whether the use of funds accruing to your department pursuant to the provision of R.L. c. 118, s. 30, as amended by Laws of 1945, c. 65, s. 1; Laws of 1949, c. 94, s. 1; and Laws of 1951, c. 163, s. 15 and c. 245, s. 9; and pursuant to R.L. c. 145, s. 10, as amended by Laws of 1949, c. 94, s. 2 and Laws of 1951, c. 163, s. 12, must be restricted to highway purposes or whether such funds may be placed in the general fund for unrestricted use. It is my opinion that such part of those funds as represents fees, fines and forfeitures relative to the use and operation of motor vehicles may be used only for highway purposes. Constitution of The State of New Hampshire, Part Second, Art. 6-a. This article so restricts the use of all revenue in excess of cost of collection and administration accruing not only from registration fees, operators' licenses and gasoline road tolls, but also from "any other special charges . . . with respect to the operation of motor vehicles . . ." I think the fees, fines and forfeitures mentioned in c. 118, s. 30 are included within the meaning of "any other special charges", particularly in view of the fact that the constitutional article authorizes the use of such funds for the "supervision of traffic" on the highways.

To the extent that the funds received by the Commissioner represent "fines assessed against any violator of law apprehended or prosecuted by a police employee" for offenses not connected with the use and operation of motor vehicles, they may be placed in the general fund, and need not be restricted to highway purposes.

Very truly yours,

Maurice M. Blodgett  
Deputy Attorney General